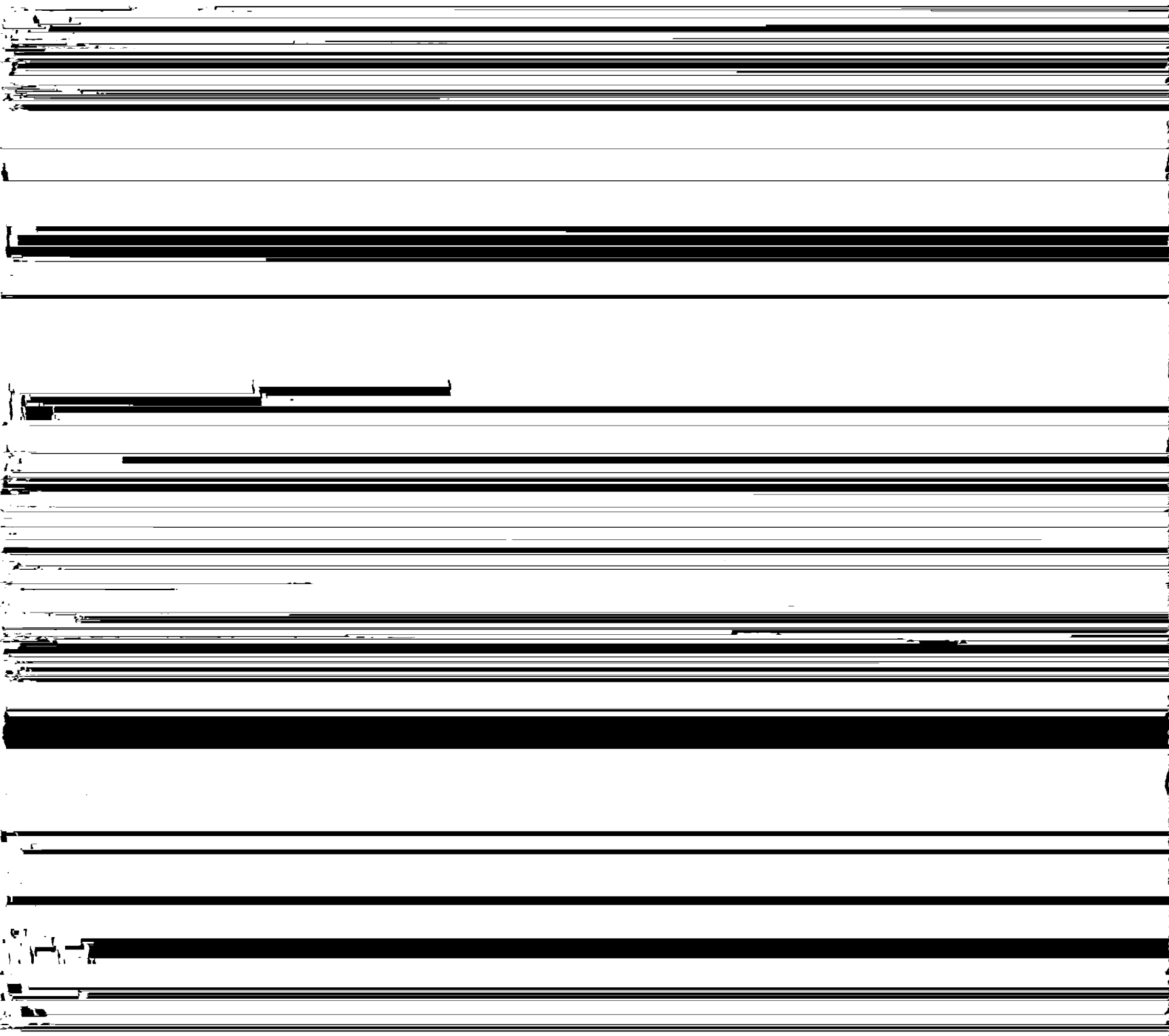


Section 88.273 are reasonable and should be adopted. However, loading alone should not determine whether a frequency is assigned exclusively. Safety and system design requirements (instead of



related to the power and height authorized for the particular system involved. Second, new co-channel stations should be required to provide the protection afforded by the co-channel separation tables proposed in the LMCC Consensus Plan.<sup>17</sup> Finally, the requirement that exclusive frequency licensees convert their systems to meet narrowband or other spectrum efficiency

C. Assignment of additional frequencies

Under current rules and long-standing policies, applicants may be assigned additional frequencies if they demonstrate that the additional frequency or frequencies are needed for a different system or purpose. Such flexibility is necessary in that it allows licensees to establish and operate different systems designed for different tasks or purposes. This is a fundamental requirement in the private land mobile services and should be maintained.

**VII. INNOVATIVE SHARED USE OPERATIONS**

The Coalition opposes the proposal to allocate 258 frequency pairs in the 150-162 MHz band for so-called "innovative" shared (ISU) use operations.

First, the objective of this proposal is not clear. The Commission has not identified the land mobile communications requirements it plans to accommodate through the proposal and has not described the nature of land mobile systems the Commission wishes to foster. Therefore, it is difficult to assess the benefits of the proposal.

Moreover, the Coalition does not believe that there are substantial land mobile communication requirements in its respective industries that can be accommodated by the type of systems the Commission seems to contemplate. Coalition members are not aware, for example, of any substantial land mobile communications requirements in their respective industries coinciding with the territories of the Regional Bell Operating Companies, the areas within which the Commission plans to license systems under the proposal.

While the merits of the proposal are at best questionable, its disadvantages are clear and substantial. First, adoption of the proposal would result in the reallocation of a very large number of frequencies (258 pairs) from the private land mobile radio services. Such an action would be inconsistent with the major objective of the "re-farming" program which is to increase substantially the number of frequencies available for private land

mobile radio systems. Also, due to the interleaving of ISU channels with channels reserved for ordinary systems, the proposal, if adopted, would make it impossible for licensees in the 150-162 MHz band to secure contiguous narrowband channels. Contiguous bandwidths could be required to operate such spectrum efficient systems as digital and TDMA; the ISU proposal would severely limit the flexibility of future licensees to employ spectrally efficient technologies requiring such bandwidth.<sup>18</sup>

In sum, the Commission should decline to adopt the ISU proposal. Should the Commission wish to facilitate experimentation in "innovative" systems, the Commission may want to consider setting aside a relative small number of channels, both in the VHF and in the UHF bands (such as 10 pairs in each band) for such a purpose. However, to deny land mobile applicants the use of nearly one third of the frequencies in the most suitable band for land mobile communications would be unwise and contrary to the public interest.

---

<sup>18</sup> Additionally, the proposal to limit eligibility for the contemplated innovative systems to entities with a substantial presence in the area (those with ten base stations in the region) or to relatively large entities (those with \$1,000,000.00 in sales or expenditures per year) is discriminatory and otherwise unreasonable. There is no basis to assume that relatively larger entities or those with a presence in a region would be more capable of developing innovative land mobile systems than new, start-up entities. Likewise, the requirement that ISU applicants demonstrate financial qualifications is discriminatory and inconsistent with well-established licensing policies in the private land mobile radio services under which the financial ability of applicants to construct proposed facilities has not been material.

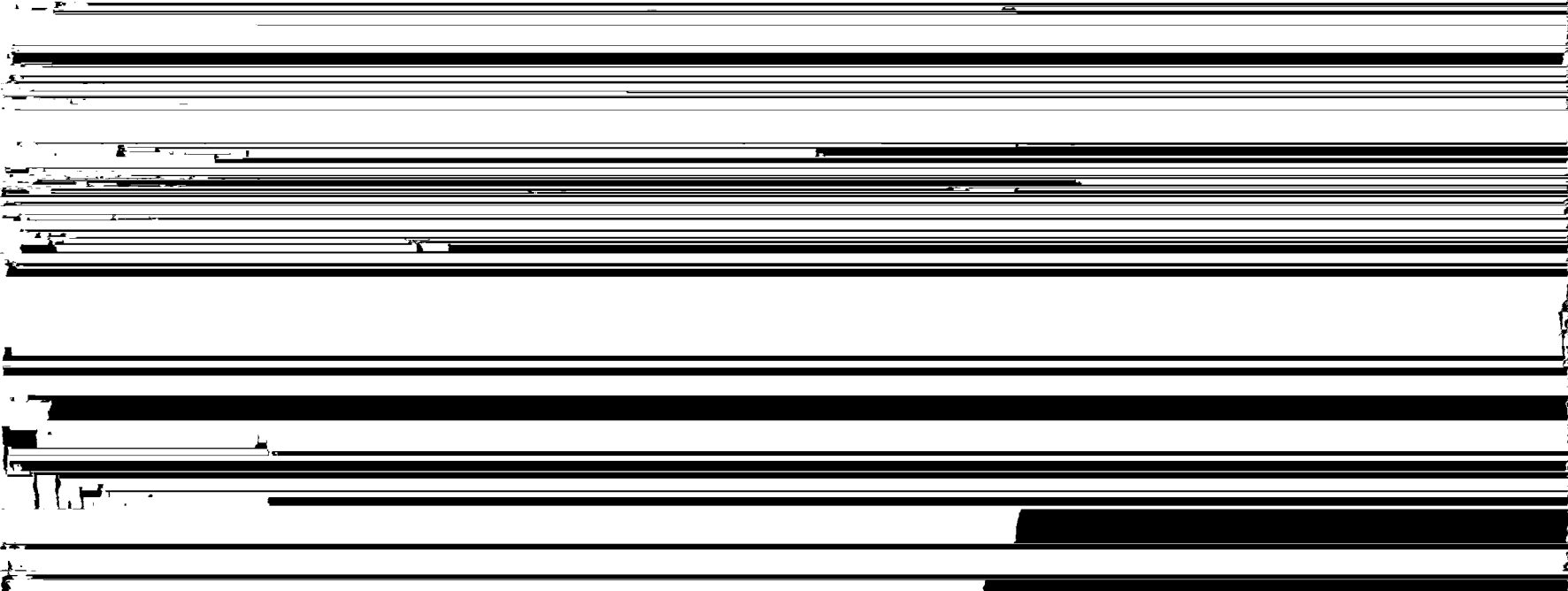
## VIII. FREQUENCY COORDINATION

The members of the Coalition are gratified that the Commission continues to recognize the value of user representative frequency coordinators in the frequency assignment process and in the management of the radio spectrum. They support the Commission's inclusion of user representative coordinators in the licensing process. With continued budgetary constraints inevitable, it is unlikely that the Commission will have the resources to handle adequately the constantly increasing volume of land mobile applications and the migration to new technologies. The assistance of user representative coordinators will be even more important in the years to come. Moreover, in the industries represented by the members of the Coalition, representative coordinators will be

which best meets the applicant's needs. In the services represented by the members of the Coalition, coordinators also match compatible licensees and systems for frequency sharing, actually "coordinate" proposed frequencies and systems with existing licensees, and help fit the proposed facility into the particular communications environment involved. In short, under existing Commission policies, coordinators help applicants choose frequencies on which they can operate reliable communications systems.

The proposal at Paragraph 19 of the Notice would change all that. Instead of helping applicants select a good frequency and minimizing the interference potential to existing facilities, coordinators would be required to "...strive to retain as large a spectrum reserve as possible", "... place systems as close as possible geographically....", and stack small systems "...on the same channel (vertical loading), rather than be assigned separate channels (horizontal loading)". Par. 19, Notice.

The Coalition strongly opposes these changes in the Commission's frequency assignment policies. The Commission has



way, the public interest is not possibly be served by the mere

successfully in the current "shared" environment through proper coordination.

Under proposed Section 88.473, mobile relay stations below 450 MHz in the contiguous 48 states would be authorized only to applicants who have obtained exclusive use overlay licenses for the frequencies involved at the sites of the proposed mobile relay stations. However, frequency exclusivity is not necessary for mobile relay operations in the 150-174 MHz bands and should not be required. Since experience shows that such stations can operate successfully in a shared frequency environment with proper coordination, the Coalition urges the Commission to continue authorizing mobile relay stations on shared as well as exclusive frequencies with the technical and operational requirements now prescribed in Section 90.243.

#### **X. PRIVATE CARRIERS**

The Coalition is concerned about the extent to which private carriers would be authorized to use the 150-174 and 450-512 MHz bands. The frequencies in these bands should be maintained primarily for private communications systems. Therefore, the Coalition opposes making the frequencies available to non-eligible, third-party, private carrier applicants, except to the extent discussed below.

Third-party, private carrier systems are not necessary in the industries represented by the members of the Coalition. Members of those industries have the know-how, resources, and incentives to develop advanced technology land mobile system for their own use.

Moreover, based on past experience, it can be expected that opening the VHF and UHF bands to third-party private carrier applicants would invite speculators to flood the Commission once again with thousands of applications, as they did for the 220-222 MHz and other filings. Such a development could result in the de facto reallocation of the frequencies in the general access pool, which the Commission apparently intended to accommodate overflows from the other more specialized pools. Finally on this point, the Commission is reminded that when eligibility of third party private carriers in the bands below 800 MHz was proposed in PR Docket 89-45, that the land mobile community overwhelmingly opposed the idea.

However, the Coalition recognizes that many of the facilities now authorized in the Business Radio Service are in the form of shared, "community" repeater systems and understands the Commission's desire to discontinue authorizing such systems. The Coalition has no strong views on the proposal to do away with "community" stations; it would defer to the views of those directly involved with that aspect of the land mobile industry. But if the Commission decides to substitute directly licensed private carriers for multiple licensed "community" repeaters, then existing systems should be grandfathered, as proposed, and a number of frequencies now allocated in the Business Radio Service should be set aside for eventual reallocation to private carriers. The remaining Business frequencies should be retained for private systems. Certainly, the frequencies now allocated in the various specialized industrial and land transportation radio services should not be made available to

private carriers. Any requirements for shared use of private systems licenses in those services can be accommodated under the provisions of Section 90.179 of the Commission's current rules, or under proposed Section 88.15(c).<sup>19</sup>

In the latter connection, the Coalition supports the proposal to permit private radio station licensees to share any excess capacity in their systems up to the 50% level. However, the capacity (or number of mobile units) shared should be counted towards meeting loading requirements.

#### **XI. PAGING**

The Coalition does not object to a merger of the rules governing paging operations in the private land mobile radio services. However, it offers the following observations. First, several of the frequencies listed for paging operations in proposed Section 88.1063 are now allocated in the Special Emergency Radio Service and are used heavily for hospital and medical paging purposes. Similarly, the several other VHF and UHF frequencies listed in that Section are now allocated in the Business Radio Service and are also used heavily. In both cases, those frequencies should remain in their respective services.

Secondly, current rules do not prohibit the transmission of one-way paging messages by base stations operating on base/mobile frequencies. Cf. Sections 90.405 and 90.419. However, proposed

---

<sup>19</sup> Additionally, the eligibility of non-profit cooperatives proposing to provide non-profit service to eligible entities should be preserved.

Rule 88.1063(f) would place severe restriction on the transmission of paging messages by base stations on non-paging frequencies. Those restrictions amount to a complete ban, as a practical matter, because compliance with the requirement that two-way station licensees obtain the written concurrence of all co-channel licensees within 70 miles before they page would not be practical in most situations. Therefore, the Coalition recommends that proposed Section 88.1063(f) be deleted. The members of the Coalition are not aware of any problems in the services they represent that require the change of policy the Commission has proposed.

Finally, on this subject, current rules permit the origination of paging transmissions from the public switched telephone network. See Sections 90.490(a) and (c). There is no similar provision in proposed Section 88.1063. There should be, in order to prevent future uncertainty on this matter.

## **XII. OTHER MATTERS**

Frequencies below 25 MHz. These frequencies should continue to be assigned to those who can show special need rather than be restricted to the situations specified in proposed Section 88.1283.

Shared Use of 152.480, 154.625, 157.740 and 158.460. These frequencies are now used for base/mobile operations in the Forest Products and Special Industrial Radio Services, secondary to Business paging. Proposed Section 88.1063 would allocate them exclusively for paging. In Forest Products alone, 93 licensees have been authorized on those frequencies who operate 108 bases, 77

mobile relay, and nearly 1,315 mobile units. These systems are generally in rural areas while paging systems are mostly in populated areas. Their shared use should be continued. At a minimum, existing systems should be grandfathered indefinitely.

Airport frequencies in the Business Radio Service. Under current rules, the Business frequencies in the 460-470 MHz band which are available primarily for use in certain airports may also be used for general Business purposes in areas 50 miles from those airports with up to 300 watts ERP. The proposed Rules (88.617 and 88.921) would limit their use to airports only and to low power operations. This apparent oversight should be corrected.

Itinerant operations. Except for the Business and Special Industrial Radio Services, the frequencies allocated for base/mobile operations in the other services may also be used for area-wide, temporary base operations. Such operations are common in the Forest Products Radio Service and, unlike the itinerant operations in the Business and Special Industrial Services, applications for such operations are coordinated. While the Commission proposes to continue authorizing such operations, proposed Sections 88.951-88.965 would seem to restrict them to specified frequencies in the 25-50, 150-174, and 450-470 MHz bands. The matter should be clarified. While the Coalition would not object to designating a small number of frequencies for uncoordinated itinerant, area-wide operations, it strongly opposes limiting all area-wide, temporary operations to those specified frequencies.

The Coalition appreciates the Commission's desire to simplify its Rules. The attempt to re-arrange and re-write the current Rules and incorporate them into a new Part 88 is commendable. Nevertheless, the Coalition recommends that the current Part 90 structure be retained and that any substantive and non-substantive changes be made within the Part 90 format. Part 90 is widely known and licensees are familiar with it. The complete re-write proposal ~~does not achieve the simplification the Commission's staff sought.~~

**XIV. CONCLUSION**

The Coalition urges the Commission to take the foregoing comments into consideration in formulating its decisions in this important proceeding.

Respectfully submitted,

MANUFACTURERS RADIO FREQUENCY  
ADVISORY COMMITTEE, INC.

By: 

William K. Keane  
Winston & Strawn  
1400 L Street, N.W.  
Washington, D.C. 20005-3502  
(202) 371-5700  
Its Attorney

FOREST INDUSTRIES  
TELECOMMUNICATIONS

By: 

James H. Baker  
Its Executive Vice  
President  
871 Country Club Road  
Suite A  
Eugene, OR 97401  
(503) 485-8441

AMERICAN TRUCKING ASSOCIATES,  
INC.

By: 

Kenneth Siegel, Esquire  
Legal Department  
2200 Mill Road  
Alexandria, VA 22314  
Its Attorney

By: 

George Petrutsas  
Fletcher, Heald & Hildreth  
1300 N. 17th St./11th Fl.  
Rosslyn, VA 22209  
(703) 812-0400  
Its Attorney

INTERNATIONAL TAXICAB AND LIVERY  
ASSOCIATION

By: 

Alfred LaGasse  
Its Executive Vice  
President  
3849 Farragut Avenue  
Kensington, MD 20895

Date: May 28, 1993